

DRAWINGS

The amended replacement sheet of drawings in the attached Appendix includes changes to the drawings as follows:

Replacement sheet 1/8 includes Figures 1 and 2, which replaces the original sheet 1/8 including Figures 1 and 2. Replacement sheet 1/8 has the previously omitted "PRIOR ART" label added to each of Figures 1 and 2.

REMARKS

Claims 1 and 2 are pending in this application. In the May 13, 2005 Office Action, the Examiner:

1. Rejected Claim 1 as obvious under 35 U.S.C. § 103(a) over Utsunomiya et al. (U.S. Patent No. 6,154,437) (“Utsunomiya”); and
2. Rejected Claim 2 as obvious under 35 U.S.C. § 103(a) in view of Utsunomiya.

Applicants have amended claim 1 to more distinctly claim what the inventors regard as their invention and canceled claim 2 without prejudice. Applicants respectfully traverse.

In the May 13, 2005 Office Action, the Examiner asserted that “Utsunomia discloses an optical disk as claimed in claim 1, comprises (sic) a substrate (Fig. 2 substrate 2), a data recording layer (Fig.2, recording layer 4), a dielectric part (Fig.2, dielectric layers 31, 32), a light-transmitting layer (Fig.2, light-transmitting layer 2. In this case, the substrate 2 functions as light-transmitting layer), where data is recorded by applying a laser beam to the data recording layer through the light-transmitting layer...” Applicants respectfully submit that the Examiner has not made a prima facie case of obviousness.

First, Utsunomia does not teach or suggest “a light-transmitting layer adhered to the dielectric part with an adhesive agent.” The Examiner argues that the “light transmitting layer” element is the “substrate 2” in Utsunomia. The substrate cannot however be the light transmitting layer merely because the light passes through the substrate in Utsunomia. *See* Specification, pg. 2-3. Moreover, a substrate is already an element of claim 1. Designating the substrate to also be the light transmitting layer effectively re-writes claim 1 in a manner that gives no meaning to the structure recited in claim 1.

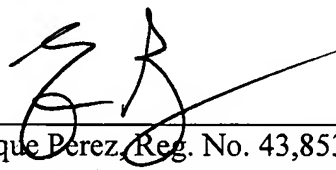
Second, Utsunomia does not teach or suggest the light transmitting layer adhered to the dielectric part, which contacts the data-recording layer. The Examiner admits that Utsunomia does not show that “the recording layer is organic material and the *light transmitting layer is adhered to the dielectric layer by an adhesive agent.*” The Examiner argues that organic material and adhesives are well known. This misses the point by ignoring the significance of having the light transmitting layer adhered to the dielectric with an adhesive and having the dielectric contact the organic recording layer, which is why Utsunomia does not teach or suggest

this unique structure. The dielectric layer contacts the recording layer and protects the organic material from the adhesive that attaches the light transmitting layer to the dielectric. *See* Specification, pg. 7.

Applicants respectfully submit that claim 1 is in condition for allowance. Favorable reconsideration is respectfully requested.

Respectfully submitted,

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